

REPORT OF THE COMMITTEE ON MEDICAL DEFENSE.

To the President and Members of the House of Delegates—

Gentlemen: The plan for medical defense adopted by the Council, and now to be accepted or rejected by this House of Delegates, is as follows:

1st. Every member in good standing (dues paid) is to be defended, free of all cost to himself, in case of any suit for malpractice against him.

2d. Any member threatened with a suit is to communicate with the Secretary immediately, so that our attorneys may take the matter up and possibly avoid the trouble and expense of opposing a suit by simply letting the would-be plaintiff know that any such suit will be fought by the Society to the limit of legal possibilities.

3d. In places so distant from San Francisco that it would not be practicable for our attorney to go there and personally conduct the defense, a local attorney, acceptable to the defendant and to our attorney, will be appointed and he will act in consultation with the attorney of the Society.

4th. Any member against whom suit is filed must transmit the original papers served upon him, or a true copy thereof, to the Secretary of the State Society within forty-eight hours. He must also send to the Secretary a full and complete statement of the case, name, age, illness or injury of patient, and in general a full account of the ailment and his treatment thereof.

5th. The alleged malpractice must have occurred on or after July 1, 1909, and the defendant must have been at that time and continuously thereafter a member in good standing (dues paid) of his county medical society. No suit will be defended in which the defendant was not a member in good standing at the time at which the alleged malpractice occurred.

As we were unable to form any idea of the probable cost attached to this work, it was decided that our attorney be requested to refrain from asking for his retainer or other fees until after this meeting of the Society, by which time it would be evident what sum would probably support the work. To date there have been two threatened suits and one actual suit (later withdrawn) filed against members. The cost to date is three hundred dollars (\$300.00).

The Council has therefore recommended that the assessment for Malpractice Defense be fixed at fifty cents, to be made payable immediately, to cover the work from last July to date. This will leave a balance on hand which will probably be sufficient to carry on the work for the rest of the year, and in January, 1911, a second assessment of fifty cents should be paid to cover the work for the fiscal year 1911. In case any expensive suits should occur in the future it will be possible to increase the amount of the assessment when it becomes necessary, but experience in other States seems to show that members can be defended successfully at an annual cost of not much over fifty cents per member.

The Committee most earnestly endorses the recommendation of the Council that the plan for

Medical Defense as outlined herein be endorsed by this House of Delegates and that it be ordered continued indefinitely.

Your Committee believes, however, that this House of Delegates should consider two alternative plans for the financial conduct of medical defense.

1st. Fix the assessment for this purpose at one dollar per year for a few years, thus slowly accumulating a defense fund of some thousands of dollars, and then make the annual assessments thereafter such small amounts as will cover the work without allowing the reserve fund to be lowered.

2d. Fix the assessment for the first one or two years at five dollars per year, thus accumulating a reserve defense fund immediately and then making such annual assessment as would pay for the year's work and keep the defense fund intact.

The House might also consider the plan of accumulating, as rapidly as may be, a fund of say \$10,000.00, so that the work could be conducted largely upon the income from this fund, while at the same time we would be in a position to not only fight the suits, but also, if a final judgment should be secured against a member, pay the amount of damages allowed. This is one of the many features and details which the Council considered at considerable length but, for various reasons, did not include in the plan finally adopted, the weight of opinion being that the amount of the assessment should be kept low until the House of Delegates had had an opportunity of considering the question and finally passing upon it.

Respectfully submitted,

ALFRED B. GROSSE,
Chairman.

REPORT OF THE EDITOR.

To the President and Members of the House of Delegates:

Gentlemen—The Chairman of the Council has reported to you the facts regarding the financial and business conditions of the publications of the Society; the Secretary has elaborated upon the same elements in connection with the JOURNAL and all of his books, accounts, reports, etc., have been submitted to you. The Editor will not touch upon this territory at all, except to state that there seem to be two entirely different views of the JOURNAL in regard to its value or worthlessness. After eight years of unremitting toil on the part of the Editor, the JOURNAL seems to have reached a position where it looks good enough, to a layman and a would-be publisher, to swallow whole and be by him slowly digested and absorbed—to his own profit.

On the other hand, to a member of our Society, a colleague and distinguished confrere of San Francisco, the JOURNAL is worse than none at all because it does not come up to the high grade of scientific excellence represented in the *Journal of the American Medical Association*, and therefore it should either be made at once a most distinctly and distinguishedly scientific publication—or it should be abolished. This is indeed a sadly pessimistic state